

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF PENNSYLVANIA

MARLENE VARANAVAGE

Plaintiff

v.

CIVIL ACTION NO.

TJX COMPANIES/MARSHALLS

Defendant

19-cv-461

NOTICE OF REMOVAL OF DEFENDANT

Defendant, Marmaxx Operating Corp. (Improperly named as TJX Companies/Marshalls), by and through its undersigned counsel, BONNER KIERNAN TREBACH & CROCIATA, LLP, and pursuant to 28 U.S.C. §§1441 and 1332, hereby removes to this Court an action pending in the Court of Common Pleas of Philadelphia County, Pennsylvania. The grounds for this Removal are set forth below:

1. On or about January 4, 2019, Plaintiff, Marlene Varanavage, commenced this civil action by the filing of a Complaint in the Court of Common Pleas of Philadelphia County captioned "*Marlene Varanavage vs. TJX Companies/Marshalls*" at December Term, 2018, No. 3975. Defendant is improperly named. Proper Defendant is *Marmaxx Operating Corp.*. In accordance with 28 U.S.C. § 1446(a), a true and correct copy of the Complaint is attached hereto and incorporated herein as Exhibit "A."

2. On or about January 10, 2019, Defendant was served with the Complaint via a process server.

3. Plaintiff, Marlene Varanavage, avers in the Complaint that she is a resident of the Commonwealth of Pennsylvania with a principal residence located at 206 Cliffwood Road, Philadelphia, Pennsylvania. See Exhibit "A" at ¶ 1.

4. In her Complaint, Plaintiff improperly named TJX Companies/Marshalls as the Defendant.

5. The proper Defendant is Marmaxx Operating Corp.

6. Marmaxx Operating Corp. ("Marmaxx") is a Virginia Corporation with a principal place of business at 770 Cochituate Road in Framingham, Massachusetts.

7. This is a civil action over which this Court has original jurisdiction under 28 U.S.C. § 1332, and which may be removed on the petition of Defendant to this District Court pursuant to 28 U.S.C. §§ 1441 and 1446.

8. Upon information and belief, the amount in controversy in this action, which includes the costs of indemnity for any adverse judgment against Defendant, exceeds \$75,000, exclusive of interests and costs.

9. Plaintiff alleges that she sustained "severe and permanent internal and external injuries in and about the head, body and limbs, more particularly: neck, back, shoulder, hip, and hand." *See* Exhibit "A" at ¶ 11.

10. Plaintiff also alleges that she "has been obliged to expend various sums of money for medicine and medical attention . . . and will be obliged to expend additional sums of money for the same purposes in the future. . . ." *See* Exhibit "A" at ¶12.

11. Plaintiff further alleges that she "has and may suffer a severe loss of earnings and/or impairment of her earning capacity and power, which such loss of income and/or impairment of her earning capacity and power has or may exceed the sum recoverable." *See* Exhibit "A" at ¶13.

12. Pursuant to 28 U.S.C. §§ 1332(a), and 1441(a), this Court possesses original jurisdiction of this action because the amount in controversy exceeds \$75,000 and

because this action is between citizens of different states. That is, Plaintiff is diverse from the Defendant. Moreover, Defendant is not a citizen of the Commonwealth of Pennsylvania, where the original action was filed. Furthermore, the Eastern District of Pennsylvania embraces Philadelphia County, where the current action is pending in the Court of Common Pleas of Philadelphia County in the Commonwealth of Pennsylvania.

13. Pursuant to the United States Supreme Court's holding in *Chicago, R. I. & P. Ry. Co. v. Martin*, 178 U.S. 245 (1900), this Notice of Removal is properly filed because the sole Defendant served in the state-court action has, as is evident from this Notice, consented to removal.

14. This Notice of Removal is timely filed pursuant to 28 U.S.C. § 1446(b) because it was filed less than thirty days from the service of the Complaint, the date upon which it first was ascertainable that the case is one which is removable because the Complaint is the first statement describing Plaintiff's alleged injuries and damages. No previous Notice of Removal has been filed or made to this Court for the relief sought herein.

15. Accordingly, this lawsuit is properly removable from Pennsylvania State Court to the United States District Court, Eastern District of Pennsylvania, pursuant to 28 U.S.C. § 1332(a)(1), 1441(a) and 1446(b).

16. Defendant expressly reserves the right to raise all defenses and objections in this action after it is removed to this Honorable Court.

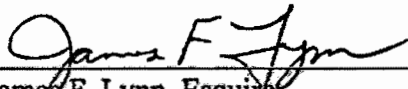
17. A true and correct copy of this Notice of Removal is being filed with the Prothonotary of Philadelphia County Court of Common Pleas, as provided by 28 U.S.C. § 1446(d).

18. Written Notice of the filing of this Notice of Removal will be given to all served parties as required by 28 U.S.C. § 1446(d).

19. No admission of fact, law, or liability is intended by this Notice of Removal, and all defenses, affirmative defenses and motions are hereby reserved to Defendant.

WHEREFORE, Defendant, Marmaxx Operating Corp. (Improperly named as TJX Companies/Marshalls), hereby removes the above-captioned action, which is now pending in the Court of Common Pleas of Philadelphia County, Pennsylvania, to the United States District Court for the Eastern District of Pennsylvania.

BONNER KIERNAN TREBACH & CROCIATA, LLP

BY:   
James F. Lynn, Esquire  
Attorney ID No. 53838  
Ten Penn Center Plaza, Suite 770  
1801 Market Street  
Philadelphia, PA 19103  
Tel.: (215)569-4433  
Fax: (215)569-4434  
*Attorney for Defendant*

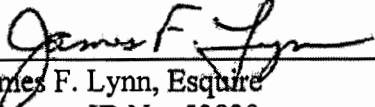
**CERTIFICATE OF SERVICE**

I, James F. Lynn, Esquire, hereby certify that a copy of Defendant's Notice of Removal was served via U.S. First Class Mail, postage prepaid, this 31<sup>st</sup> day of January, 2019 upon the following:

Alisha A. Nichols, Esquire  
DASHEVSKY, HORWITZ, KUHN, NOVELLO, & SHORR, P.C.  
1315 Walnut Street, 12<sup>th</sup> Floor  
Philadelphia, PA 19107  
*COUNSEL FOR PLAINTIFF*

BONNER KIERNAN TREBACH & CROCIATA, LLP

BY: \_\_\_\_\_

  
James F. Lynn, Esquire  
Attorney ID No. 53838  
Ten Penn Center Plaza, Suite 770  
1801 Market Street  
Philadelphia, PA 19103  
Tel.: (215)569-4433  
Fax: (215)569-4434  
*Attorney for Defendant*

# EXHIBIT “A”

Court of Common Pleas of Philadelphia County  
Trial Division

## Civil Cover Sheet

For Prothonotary Use Only (Docket Number)

DECEMBER 2018

003975

PLAINTIFF'S NAME  
MARLENE VARANAVAGE

E-Filing Number 1901009318

DEFENDANT'S NAME  
TJX COMPANIES / MARSHALLSPLAINTIFF'S ADDRESS  
206 CLIFFWOOD ROAD  
PHILADELPHIA PA 19115DEFENDANT'S ADDRESS  
9169 ROOSEVELT BLVD  
PHILADELPHIA PA 19114

JAN 16

PLAINTIFF'S NAME

DEFENDANT'S NAME

PLAINTIFF'S ADDRESS

DEFENDANT'S ADDRESS

PLAINTIFF'S NAME

DEFENDANT'S NAME

PLAINTIFF'S ADDRESS

DEFENDANT'S ADDRESS

TOTAL NUMBER OF PLAINTIFFS

TOTAL NUMBER OF DEFENDANTS

COMMENCEMENT OF ACTION

1

1

☒ Complaint☐ Petition Action☐ Notice of Appeal☒ Writ of Summons☐ Transfer From Other Jurisdictions

AMOUNT IN CONTROVERSY

COURT PROGRAMS

☐ \$50,000.00 or less  
☒ More than \$50,000.00☐ Arbitration  
☐ Jury  
☒ Non-Jury  
☐ Other:☐ Mass Tort  
☒ Savings Action  
☐ Petition☒ Commerce  
☒ Minor Court Appeal  
☒ Statutory Appeals☐ Settlement  
☐ Minors  
☐ W/D/Survival

CASE TYPE AND CODE

2P - PRODUCT LIABILITY

STATUTORY BASIS FOR CAUSE OF ACTION

RELATED PENDING CASES (LIST BY CASE CAPTION AND DOCKET NUMBER)

FILED  
PRO PROTHY

JAN 04 2019

M. BRYANT

IS CASE SUBJECT TO  
COORDINATION ORDER?  
YES NO

TO THE PROTHONOTARY:

Kindly enter my appearance on behalf of Plaintiff/Petitioner/Appellant MARLENE VARANAVAGE

Papers may be served at the address set forth below

NAME OF PLAINTIFF'S/PETITIONER'S/APPELLANT'S ATTORNEY

ALISHA A. NICHOLS

ADDRESS

1315 WALNUT ST  
12TH FLOOR  
PHILADELPHIA PA 19107

PHONE NUMBER

(215) 546-4488

FAX NUMBER

(215) 732-6220

SUPREME COURT IDENTIFICATION NO

33560

E-MAIL ADDRESS

ANICHOLS@DASHEVSKYLAW.COM

SIGNATURE OF FILING ATTORNEY OR PARTY

ALISHA NICHOLS

DATE SUBMITTED

Friday, January 04, 2019, 04:06 pm

FINAL COPY (Approved by the Prothonotary Clerk)



THIS IS NOT AN ARBITRATION  
MATTER OR AN ASSAULT CASE  
DAMAGES HEARD BY BRYANT  
REQUIRED

COURT OF COMMON PLEAS  
PHILADELPHIA COUNTY

NO.

**NOTICE TO PLEAD**

## AVISO

Le han demandado a usted en la corte. Si usted quiere defenderse de estas demandas expuestas en las paginas siguientes, usted tiene veinte (20) dias de plazo al partir de la fecha de la demanda y la notificación. Hace falta asentar una comparecencia escrita o en persona o con un abogado y entregar a la corte en forma escrita sus defensas o sus objeciones a las demandas en contra de su persona. Sea avisado que si usted no se defiende, la corte tomará medidas y puede continuar la demanda en contra suya sin previo aviso o notificación. Además, la corte puede decidir a favor del demandante y requiere que usted cumpla con todas las provisiones de esta demanda. Usted puede perder dinero o sus propiedades u otros derechos importantes para usted.

LLEVE ESTA DEMANDA A UN ABOGADO  
 INMEDIATAMENTE SI NO TIENE ABOGADO O SI NO  
 TIENE EL DINERO SUFICIENTE DE PAGAR TAL SERVICIO,  
 VAYA EN PERSONA O LLAME POR TELEFONO A LA  
 OFICINA CUYA DIRECCION SE ENCUENTRA ESCRITA  
 ABAJO PARA AVERIGUAR DONDE SE PUEDE CONSEGUIR  
 ASISTENCIA LEGAL ESTA OFICINA PUEDE PROVEER A  
 USTED CON INFORMACION DE COMO ALQUILAR UN  
 ABOGADO. SI USTED NO TIENE DINERO PARA ALQUILAR  
 UN ABOGADO, ESTA OFICINA PUEDE PROVEER A  
 USTED CON INFORMACION DE AGENCIAS QUE PUEDE  
 OFRECER SERVICIOS LEGALES A PERSONAS ELEGIBLE  
 A UN COSTO REDUCIDO O SIN COSTO NINGUNO

ASOCIACION DE LICENCIADOS DE FILADELPHIA SERVICIO  
DE REFERENCIA E INFORMACION LEGAL  
One Reading Center  
Philadelphia, Pennsylvania 19107  
Teléfono 215-238 1701



DASHEVSKY, HORWITZ, KUHN,  
NOVELLO & SHORR, P.C.

By: Alisha A. Nichols, Esquire  
Attorney ID No.: 320560  
1315 Walnut Street, 12th Floor  
Philadelphia, Pennsylvania 19107  
P: (215) 546-4488, F: (215) 732-6220  
Anichols@Dashevskylaw.com

THIS IS NOT AN ARBITRATION  
MATTER AN ASSESSMENT OF  
DAMAGES HEARING IS  
REQUIRED

ATTORNEY FOR PLAINTIFF

MARLENE VARANAVAGE  
206 Cliffwood Road  
Philadelphia, PA 19115

VS.

TJX COMPANIES / MARSHALLS  
9169 Roosevelt Blvd.  
Philadelphia, PA 19114

COURT OF COMMON PLEAS  
PHILADELPHIA COUNTY

NO.

**CIVIL ACTION - COMPLAINT**  
**Premises Liability, Slip & Fall - 2S**

1. Plaintiff, Marlene Varanavage, is an adult individual who resides at the above captioned address.
2. Defendant, TJX Companies / Marshalls, is a business entity and/or corporation duly organized and existing under the laws of the City of Philadelphia, Commonwealth of Pennsylvania with a business location at the above captioned address.
3. On January 24, 2017, and at all times herein, the defendant, owned and/or leased, and by their agents, servants, workmen and/or employees, maintained, supervised, inspected and controlled the floor of the premises known as Marshalls, 9169 Roosevelt Boulevard, Philadelphia, PA 19114, and said floor on the premises located at the aforesaid address is under the primary inspection, supervision, possession, maintenance and control of the named defendant.
4. At the time and place aforesaid, plaintiff, Marlene Varanavage, was a business

invitee lawfully upon the premises of the defendant.

5. At the time and place aforesaid, the defendant, by their agents, servants, workmen and/or employees, were under a duty to keep, inspect, possess, supervise, and maintain said floor on the premises located at Marshalls, 9169 Roosevelt Boulevard, Philadelphia, PA 19114, in a safe condition for those lawfully upon the premises.

6. Notwithstanding this duty, the defendant, by their agents, servants, workmen and/or employees, did on the date aforesaid, and for some time prior thereto, carelessly and negligently permit and allow the floor on the said premises to be, become and remain in a highly dangerous and unsafe condition located on the said premises.

7. On the aforesaid date and time, while plaintiff, Marlene Varanavage, was walking on the aforesaid premises of the defendant, she was caused to slip and fall by reason of coming in contact with a liquid which created a dangerous and unsafe condition, as a result of which, plaintiff sustained severe personal injuries hereinafter more specifically set forth.

8. Plaintiff avers that defendant, by their agents, servants, workmen and/or employees, had or should have had notice of the existence of the said dangerous and unsafe condition upon the premises above-mentioned prior to the happening of the said accident, and allowed this dangerous and unsafe condition to exist for an unreasonable period of time.

9. At the time and place aforesaid, the carelessness and negligence of the defendant, consisted of the following:

- (a) Failing to properly maintain and inspect the floor on the aforesaid premises;
- (b) Failing to properly supervise and maintain the floor on the aforesaid premises;
- (c) Failing to give proper and sufficient warnings and notice to the plaintiff of the highly dangerous and unsafe condition located on the aforesaid premises;

(d) Disregarding the rights and safety of the plaintiff and other persons lawfully on the premises of the defendants;

(e) Allowing the liquid on the said premises to remain in a dangerous and unsafe condition;

(f) Failing to use reasonable prudence and care to keep the liquid on the said premises in a safe condition;

(g) Failing to instruct their employees as to the proper care, maintenance and control of said clothing rack on the said premises.

#### COUNT I

#### MARLENE VARANAVAGE V. TJX COMPANIES / MARSHALLS

10. Plaintiff, Marlene Varanavage, incorporates herein by reference the averments contained in paragraphs 1 through 9 inclusive, as fully as though the same were herein set forth at length.

11. Solely as a result of the aforesaid negligence and carelessness of the defendant, as aforesaid, plaintiff, Marlene Varanavage, was caused to sustain severe and permanent internal and external injuries in and about the head, body and limbs, more particularly: neck, back, shoulder, hip, and hand.

12. Further, by reason of the aforesaid, plaintiff, Marlene Varanavage, has been obliged to expend various sums of money for medicine and medical attention in and about endeavoring to treat and cure herself of said injuries, and will be obliged to expend additional sums of money for the same purposes in the future, all to her great financial damage and loss to which she is entitled to recover.

13. As a direct result of the accident, plaintiff, Marlene Varanavage, has and may

suffer a severe loss of earnings and/or impairment of her earning capacity and power, which such loss of income and/or impairment of her earning capacity and power has or may exceed the sum recoverable.

14. Plaintiff avers that the injuries and damages sustained as a result of this accident were caused solely by the negligence of the defendant, as hereinbefore set forth.

**WHEREFORE**, plaintiff, Marlene Varanavage, demands judgment against the defendant, TJX Companies / Marshalls, in a sum in excess of Fifty Thousand Dollars (\$50,000.00), plus interest and costs.

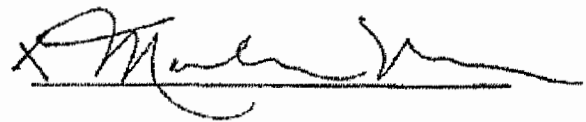
**DASHEVSKY, HORWITZ, KUHN  
NOVELLO and SHORR, P.C.**

BY: Alisha A. Nichols  
**ALISHA A. NICHOLS, ESQ.**  
Attorney for Plaintiff

DASHEVSKY, HORWITZ, KUHN, NOVELLO & SHORR, P.C.

VERIFICATION

I, Monica Voronova, make this verification subject to the penalties of 18 Pa. C.S.A. §4904, relating to unsworn falsification to authorities. The attached pleading is based upon information which I have furnished to my counsel and information which has been gathered by my counsel in preparation for the prosecution of this lawsuit. The language contained in the pleading is that of counsel and not mine. I have read the pleading, and to the extent it is based upon information which I have given to my counsel, it is true and correct to the best of my knowledge, information, and belief. To the extent that the contents of the pleading are that of counsel, I have relied upon my counsel in making this verification.



Dated: 1/4/19

JS 44 (Rev 06/17)

JHS

## CIVIL COVER SHEET

19-cv-461

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

## I. (a) PLAINTIFFS

MARLENE VARANAVAGE

(b) County of Residence of First Listed Plaintiff Philadelphia County, PA  
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)  
Alisha A. Nichols, Esquire; DASHEVSKY, HORWITZ, KUHN, NOVELLO,  
& SHORR, P.C.; 1315 Walnut Street, 12th Floor, Philadelphia, PA 19107

## DEFENDANTS

TJX Companies/Marshalls

County of Residence of First Listed Defendant Middlesex County, MA  
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF  
THE TRACT OF LAND INVOLVED

Attorneys (If Known)  
JAMES F. LYNN, ESQUIRE, Bonner Kierman Trebach & Crociata,  
LLP; Ten Penn Center Plaza, Suite 770, 1801 Market Street,  
Philadelphia, PA 19107

## II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff  
☐ 2 U.S. Government Defendant  
☐ 3 Federal Question (U.S. Government Not a Party)  
☒ 4 Diversity (Indicate Citizenship of Parties in Item III)

## III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- |                                         | PTF                                   | DEF                        |                                                               | PTF                        | DEF                                   |
|-----------------------------------------|---------------------------------------|----------------------------|---------------------------------------------------------------|----------------------------|---------------------------------------|
| Citizen of This State                   | <input checked="" type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business in This State     | <input type="checkbox"/> 4 | <input type="checkbox"/> 4            |
| Citizen of Another State                | <input type="checkbox"/> 2            | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5 | <input checked="" type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3            | <input type="checkbox"/> 3 | Foreign Nation                                                | <input type="checkbox"/> 6 | <input type="checkbox"/> 6            |

## IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for Nature of Suit Code Descriptions

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input checked="" type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<b>PERSONAL INJURY</b> <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 88: <input type="checkbox"/> 690 Other <b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act <b>IMMIGRATION</b> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 H/A (1395f) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS - Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
<b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>CIVIL RIGHTS</b> <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer w/Disabilities - Employment <input type="checkbox"/> 446 Amer w/Disabilities - Other <input type="checkbox"/> 448 Education	<b>PRISONER PETITIONS</b> <b>Habeas Corpus:</b> <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <b>Other:</b> <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

## V. ORIGIN (Place an "X" in One Box Only)

- ☐ 1 Original Proceeding  
☒ 2 Removed from State Court  
☐ 3 Remanded from Appellate Court  
☐ 4 Reinstated or Reopened  
☐ 5 Transferred from Another District (specify)  
☐ 6 Multidistrict Litigation - Transfer  
☐ 8 Multidistrict Litigation - Direct File

## VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity)

28 U.S.C. Section 1332

Brief description of cause

## VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint.  
JURY DEMAND: ☒ Yes ☐ No

## VIII. RELATED CASE(S) IF ANY

(See Instructions)

JUDGE

DOCKET NUMBER

JAN 31 2019

DATE

1/31/19

SIGNATURE OF ATTORNEY OF RECORD

James F. Lynn

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE



JHS  
UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

19-cv-461

## DESIGNATION FORM

(to be used by counsel or pro se plaintiff to indicate the category of the case for the purpose of assignment to the appropriate calendar)

Address of Plaintiff: 206 Cliffwood Road, Philadelphia, Pennsylvania

Address of Defendant: 770 Cochituate Road in Framingham, Massachusetts

Place of Accident, Incident or Transaction: 9169 Roosevelt Boulevard, Philadelphia, PA 19114

## RELATED CASE, IF ANY:

Case Number: Judge: Date Terminated:

Civil cases are deemed related when *Yes* is answered to any of the following questions

- |                                                                                                                                                                                        |                              |                                        |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|----------------------------------------|
| 1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court?                                        | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court?            | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action of this court? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual?                                                | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |

I certify that, to my knowledge, the within case ☐ is / ☒ is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE 01/31/2019

Attorney-at-Law / Pro Se Plaintiff

Attorney I.D. # (if applicable)

## CIVIL: (Place a ✓ in one category only)

## A. Federal Question Cases:

- ☐ 1. Indemnity Contract, Marine Contract, and All Other Contracts
- ☐ 2. FELA
- ☐ 3. Jones Act-Personal Injury
- ☐ 4. Antitrust
- ☐ 5. Patent
- ☐ 6. Labor-Management Relations
- ☐ 7. Civil Rights
- ☐ 8. Habeas Corpus
- ☐ 9. Securities Act(s) Cases
- ☐ 10. Social Security Review Cases
- ☐ 11. All other Federal Question Cases

(Please specify):

## B. Diversity Jurisdiction Cases:

- ☐ 1. Insurance Contract and Other Contracts
- ☐ 2. Airplane Personal Injury
- ☐ 3. Assault, Defamation
- ☒ 4. Marine Personal Injury
- ☒ 5. Motor Vehicle Personal Injury
- ☐ 6. Other Personal Injury (Please specify): Premises Liability
- ☐ 7. Products Liability
- ☐ 8. Products Liability - Asbestos
- ☐ 9. All other Diversity Cases

(Please specify):

## ARBITRATION CERTIFICATION

(The effect of this certification is to remove the case from eligibility for arbitration.)

I, \_\_\_\_\_, counsel of record or pro se plaintiff, do hereby certify

☐ Pursuant to Local Civil Rule 53.2, § 3(c) (2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs:☐ Relief other than monetary damages is sought.

JAN 31 2019

DATE

Attorney-at-Law / Pro Se Plaintiff

Attorney I.D. # (if applicable)

NOTE A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38

JHS

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIACASE MANAGEMENT TRACK DESIGNATION FORM

MARLENE VARANAVAGE

CIVIL ACTION

v.

TJX COMPANIES/MARSHALLS

NO.

19-cv-461

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a Case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a Case Management Track Designation Form specifying the track to which that defendant believes the case should be assigned

## SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:

- (a) Habeas Corpus – Cases brought under 28 U.S.C. § 2241 through § 2255. ( )
- (b) Social Security – Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits. ( )
- (c) Arbitration – Cases required to be designated for arbitration under Local Civil Rule 53.2. (XX)
- (d) Asbestos – Cases involving claims for personal injury or property damage from exposure to asbestos. ( )
- (e) Special Management – Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.) ( )
- (f) Standard Management – Cases that do not fall into any one of the other tracks. ( )

1/31/19	James F. Lynn, Esquire	Defendant
Date	Attorney at Law	Attorney for:
215-569-4433	215-569-4433	jlynn@bonnerkiernan.com
Telephone	Fax Number	E-Mail Address

JAN 31 2019